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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO. CR.S-04-314 WBS   |
|                           | ) |                            |
| Plaintiff,                | ) |                            |
|                           | ) | STIPULATION AND ORDER TO   |
| v.                        | ) | CONTINUE STATUS CONFERENCE |
|                           | ) |                            |
| ERIC KUN,                 | ) |                            |
|                           | ) |                            |
| Defendant.                | ) |                            |
| _____                     | ) |                            |

This matter having come before the Court on November 2, 2005, for a status conference and the Government was represented by Daniel S. Linhardt, and defendant ERIC KUN was represented by Charles T. Mathews. The parties advised the Court that they had reached a tentative agreement on resolving the matter but that the defendant had to have an opportunity about the offer and then the defendant and his counsel would decide on what course of action to pursue. Accordingly, the parties requested that the matter be continued until November 23, 2005, for entry of plea or other action. Counsel and the defendant also agreed that the time between November 1, 2005, and November 23, 2005, be excluded from the time in which the defendant is entitled to come to trial pursuant to Local Code T4. The Court, after considering the representations of the parties, hereby grants their motion, and it

1 is;

2       ORDERED that the above entitled matter is continued until  
3 November 23, 2005, for a status conference and that the time between  
4 November 1, 2005, and November 23, 2005, is excluded from the time in  
5 which the defendant must appear pursuant to 18 U.S.C. § 3161(h)(8)(A)  
6 and Local Code T4, and that the ends of justice served by granting  
7 such continuance outweigh the best interest of the public and the  
8 defendant in a speedy trial. It is further ORDERED that the matter  
9 should be continued until November 23, 2005, at 9:00 A.M.

10  
11 **IT IS SO ORDERED.**

12  
13  
14 DATED: November 7, 2005

/s/ Lawrence K. Karlton  
HONORABLE LAWRENCE K. KARLTON  
United States District Court Judge